

PUEBLO OF LAGUNA

P.O. BOX 194

LAGUNA, NEW MEXICO 87028

Office of:

The Governor
The Secretary
The Treasurer

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August 12, 1986



Mr. Herrick E. Hanks
Area Manager
Rio Puerco Resource Area
Bureau of Land Management
P. O. Box 6770
Albuquerque, NM 87107

Mr. Barry W. Welch
Assistant Area Director
Bureau of Indian Affairs
Albuquerque, NM 87198

Gentlemen:

Regarding your order to Anaconda Minerals Company dated 4 April 1986, citing your concern of human and animal trespass on the Jackpile-Paguate Mine area, the undersigned, on behalf of Anaconda Minerals Company and the Pueblo of Laguna present the following for your consideration:

1. The Pueblo has granted a right-of-way to the State Highway Department, with approval of the BIA. The Highway Department currently has a crew on the right-of-way.
2. The contract for construction of the State Road 279 reroute has been let.
3. Work on the reroute will continue for approximately 35 weeks.
4. One of the first work items identified in the specifications for the State Road 279 reroute is to put all highway required fences and cattle guards in place immediately. This will enhance security at the mine site.
5. A signed agreement exists between the Pueblo of Anaconda which will be effective upon approval by the BIA. This agreement, once approved, will divest Anaconda of further responsibility on the leased premises. It is anticipated the reclamation agreement will be approved before the end of 1986. Accordingly, little is to be gained by pressing the order and detracting efforts towards completion of the agreement, which will provide a permanent solution to this problem.

EXHIBIT A

6. The ultimate security of the area is contingent upon the detailed planning to be done by the Pueblo of Laguna for the reclamation, thus it seems a needless expense for any party to be compelled to provide long-term security and fencing at this time.
7. The alleged trespass of Laguna tribal members and their livestock cited in your order can best be controlled by the Pueblo of Laguna. Accordingly, the Pueblo of Laguna agrees to:
 - a. Provide periodic daily patrols of the area to insure that there is no human or livestock trespass by tribal members.
 - b. Issue letters of instruction to both the State Highway Department and the contractor for reroute of State Road 279 to contact appropriate Pueblo or BIA authorities in the event they identify unauthorized persons or livestock within the mined area.
 - c. Instruct its members to refrain from allowing their livestock to trespass upon the mined area.

In the event an agreement is not executed transferring responsibility for the mined area from Anaconda to the Pueblo by December 31, 1986, the Pueblo's responsibility and authority for security as provided in this letter agreement will cease and will revert to Anaconda.

Anaconda Minerals Company and Pueblo of Laguna respectfully request the Department of Interior to modify the referenced order to reflect items 7, a, b, & c above as adequate to mitigate DOI's concerns of trespass, and to release Anaconda Minerals Company from any further actions required under the order until completion or disapproval of the pending reclamation settlement agreement.

Wendell A. Stickland
for Anaconda Minerals Company

Chester J. Fernandez
for Pueblo of Laguna

cc: Barry K. Berkson
Assistant Field Solicitor